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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,312	07/26/2000	Franck Bausela	A-2456	7920
24131	7590	09/24/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			ART UNIT	PAPER NUMBER

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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9904

DATE MAILED:

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**Commissioner for Patents**

The reply of the substitute Brief on Appeal has been received, however the problems set on the Notification of Non-Compliance have not being overcome. Applicant establishes three separate groups, but does not argue why each group is separately patentable, as per 37 CFR 1.192c (7). A unique argument must be given for each group. Applicant has not pointed out structure unique to each of claims 1, 16 and 17 that is not shown by the prior art. Merely mentioning Niitsuma et al. do not makeup the deficiencies of Behmel et al. does not constitute a unique argument as per 37 CFR 192c (8)(iv). Alternately, Applicant could state that all claims stand or fall together. The period for response continues from the mailing date of the Notification of Non-Compliance, May 13 2004.

**KENNETH E. PETERSON  
PRIMARY EXAMINER**